

CITY OF TOLEDO



DEPARTMENT OF PUBLIC UTILITIES

May 23, 2007

CERTIFIED MAIL

Mr. Jay Thomas
Lake Wood Pallet, Inc
13020 Box Road.
Grand Rapids, OH 43522

Re: Notice of Violation

Dear Mr. Thomas:

Enclosed, please find a "Notice of Violation". Please review this document carefully as some action is required on your part.

If you have any questions, please feel free to contact me at 419-936-3766.

Yours from Toledo – a City of the Future! *



Beatrice Miringu,
Environmental Specialist

*fDI Magazine-April 2007

BM

cc: T. Casey Stephens, TDOES
Leslie Kovacik Toledo Law
John Paulian, OEPA
Lisa Holscher, USEPA Region V

The City of Toledo Division of Environmental Services hereby serves notice that;

Lake Wood Pallet, Inc
 13020 Box Road.
 Grand Rapids, OH 43522

has violated the following environmental laws, orders, rules or regulations on the indicated dates:

Regulations Violated	Date and Description of Violation
<p>3745-17-07 Control of visible particulate emissions from stationary sources.</p> <p>(A) Visible particulate emission limitations for stack emissions:</p> <p>(1) General limitations:</p> <p>(a) Except as otherwise specifiedof this rule, visible particulate emissions from any stack shall not exceed twenty per cent opacity, as a six-minute average.</p> <p>(b)visible particulate emissions from any stack may exceed twenty per cent opacity, as a six-minute average, for not more than six consecutive minutes in any sixty minutes, but shall not exceed sixty per cent opacity, as a six-minute average, at any time.</p>	<p>On May 8, 2007 between 11:40 A.M. and 11:53 A.M employees of the City of Toledo, a contractual agent for the Ohio Environmental Protection Agency witnessed, use of a burning structure to dispose waste at your facility. During this investigation, the weather condition was such that no heating was required inside the facility.</p> <p>The first recorded six-minute average opacity was 89 %. This exceeds the sixty percent opacity as a six-minute average.</p> <p>The second recorded reading also exceeds sixty percent opacity as a six-minutes average.</p>
<p>3745-15-07: Air pollution nuisances prohibited</p> <p>Except as provided in paragraph (B) of this rule, the emission or escape into the open air from any source or sources whatsoever, of smoke, ashes, dust, dirt, grime, acids, fumes, gases, vapors, odors, or any other substances or combinations of substances, in such manner or in such amounts as to endanger the health, safety or welfare of the public, or cause unreasonable injury or damage to property, is hereby found and declared to be a public nuisance. It shall be unlawful for any person to cause, permit or maintain any such public nuisance.</p>	<p>Members of the public notified this office of a black smoke emitted from stack in this facility. This constitutes a public nuisance</p>

The above violation(s) may subject the violator to penalties of up to \$25,000 per day per violation. It is possible that a penalty may be assessed in this case. If a penalty is to be assessed, the amount will be determined after your response is reviewed.

Required Actions

Within 2 weeks of receipt of this Notice of Violation, you shall:

1. Abate the violation(s) or provide for an acceptable remedy.
2. Reply in writing to this Notice of Violation. The reply shall include:
 - a. Description(s) and date(s) of action(s) taken thus far to abate the violation(s).
 - b. Description(s) and expeditious time schedule of action(s) yet to be taken to remedy the violation(s).
 - c. Description(s) of action(s) taken or to be taken to prevent recurrence of the violation(s).

Recommended Action

Within 2 weeks of receipt of this Notice of Violation:

1. Apply for an air pollution permit in compliance with OAC rule 3745-31-02; or
2. Demonstrate compliance with the de minimis exception of the rule 3745-15-05(B)

Your written response and any questions regarding this Notice of Violation should be directed to Beatrice Miringu at the Toledo Division of Environmental Services, 348 S. Erie Street, Toledo, Ohio 43604.

The submission of the above requested information does not constitute a waiver of Ohio EPA's authority to seek civil penalties pursuant to Ohio Revised Code § 3704.06. Ohio EPA will make a decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date.

